

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, August 5, 1989 at 7:30 p.m.

**Present:** Joseph F. Janoski, Supervisor  
John Lombardi, Councilman  
Louis Boschetti, Councilman  
Denise Civiletti, Councilwoman

**Also Present:** Patricia Moore, Town Attorney  
Irene J. Pendzick, Town Clerk

**Absent:** Robert Pike, Councilman

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Boschetti offered the following resolution which was seconded by Councilwoman Civiletti.

**RESOLVED** that the Minutes of Regular Board Meeting held on August 15, 1989 are hereby dispensed and approved without objection.

The vote, Boschetti, yes, Pike, absent, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Reports."

REPORTS

Building Department-Monthly Report for August, 1989. Filed

OPEN BID REPORT - Ambulance Vehicle Filed

Bid Date: August 31, 1989  
2 Bids Submitted

#1 NAME: PECONIC AMBULANCE SALES & SERVICE

ADDRESS: Aquebogue, NY

TOTAL BID: \$69,239.00

---

#2 NAME: PROFESSIONAL VEHICLE SALES

ADDRESS: Shirley, NY

TOTAL BID: \$69,875.00

OPEN BID REPORT - Food Products

Filed

Bid Date: August 31, 1989

#1 NAME: LANDMARK FOOD CORP.

ADDRESS: Holtsville, NY

TOTAL BID: See file for individual item prices

#2 NAME: Arshamomague Dairy, Inc.

ADDRESS: Greenport, NY

TOTAL BID: See file for individual item prices

OPEN BID REPORT - Tennis Courts/Wading River

Filed

Bid Date: August 31, 1989

3 Bids Submitted

#1 NAME: PAUL CORAZZINI &amp; SONS

ADDRESS: Greenport, NY

TOTAL BID: \$6,340.00

#2 NAME: UNITED PAVEMENT MARKING

ADDRESS: Northport, NY

TOTAL BID: \$6,790.00

#3 NAME: SOUTH FORK ASPHALT CORP.

ADDRESS: Easthampton, NY

TOTAL BID: \$16,452.00

OPEN BID REPORT - West Main Street Pump Station/Water Filed  
(See Water District Minutes)Supervisor Janoski, "Thank you. Applications."APPLICATIONS & PETITIONSPetition-40 residents requesting a ban of vehicles on all  
Sound Beaches. Filed

Petition-31 letters of petition re: Vail Leavitt continue present management and be designated lead agency. Filed

Change of Zone-Two Bear Builders-subdivision of 202 affordable housing units/Middle Road; Res. "C" and Ag. "A" to Res. "RC". Filed

Site Plan-Cotton Patch of Riverhead-Create two stores from one, Pulaski Street. Filed

Special Permit-Charles Swing to construct one story building as wholesale electrical supply at Warsaw Drive, Rte. 58 Filed

Special Permit-Bluffs II for sign at Sound Avenue and Edwards Avenue. Filed

Site Plan-Additive Products for construction of concrete pad for the installation of VOC stripping tower. Filed

Site Plan-Garsten Motors for addition to existing dealership including parking area. Filed

Site Plan-Patricia and Robert Denyse-Windjammer Hair Design to convert residence to commercial use. Filed

Supervisor Janoski, "Thank you. Correspondence."

#### CORRESPONDENCE

Walter & Margaret Witt, 8/31/89-Requesting information re: application to convert house to two family. Filed

Malcolm Pirnie-Copy of letter to S.C. Health Dept. re: obtaining copies of the Flanders/Peconic Bay Water Quality Study. Filed

John McNulty, 8/29/89-Advising that client is part owner of property in receipt of violation notice. Filed

Dorothy Meehan, 7/20/89-Commending Councilman Lombardi on assistance re: water and sand problem. Filed

Southampton Town, 8/23/89-Notice of Adoption of Local Law #15 and #16-1989. Filed

Anthony & Georgia Loehr, 8/28/89-Requests that Board not adopt Coastal Zone Management Local Law and lists reasons why. Filed

LILCO, 8/25/89-Advising that quarterly test of all '89 sirens will take place on 9/13/89 at noon. Filed

S.C. Dept. of Planning, 8/21/89-Advising if no objections re: Brookhaven amendments received by 9/7/89 and Southampton Local Law #14 by 9/4/89, it will be assumed there are none. Filed

H2M, 7/24/89-Reporting that Bensin Contracting has completed work and is entitled to payment as listed. (Pump 7) Filed

Norma Hinsch, 8/17/89-Submits resignation from Community Development Office. Filed

DR. & Mrs. Bruce Allen, 8/16/89-Requesting that vehicles be restricted on beaches and lists various types of misuse of the beaches. Filed

Bob Burns, 9/5/89-Requests a "grandfather clause" to the proposed Coastal Zone Management code to protect present property owners. Filed

Bradley J. Berthold, 8/5/89-Requests changes be made to the proposed Coastal Zone Management code as outlined. Filed

N.Y.S. Dept. of Environ., 9/5/89-Copy of letter to Glen Just stating that official wetland boundary appears to be within 10' of the toe of the bluffs from the tidal wetlands map. Filed

Supervisor Janoski, "Thank you. The Town Board has a list of Unfinished Business which is outlined on the back page of the agenda which also indicates where the particular issue is in the process. We have about 8 minutes remaining before the first scheduled public hearing. I would.... Henry."

Henry Pfeiffer, Wading River, "One of the services vital to a community, its residents and its economy is dependable, affordable, common carrier transportation. Cuts in such bus transportation serving Riverhead is threatened in economy measures by Suffolk County Transportation Department. This, despite over 300 petitions filed by Riverhead residents to augment such services. I strongly urge this administration to go on record by resolution through the Suffolk County Executive, opposing any diminution or curtailment of bus service in Riverhead. Thank you."

Supervisor Janoski, "Henry, you'll be very happy to see how quickly you work. It's on the agenda. Bill."

Bill Nohejl, Aquebogue, "I'd like to bring to the attention of the Board, especially a person who is in charge of traffic signs and that type. Riverside Drive, 105 between the Moose and 105 there are golfers who are crossing that road continuously with golf courts. There are no signs posted on that road saying; caution, golfers crossing. I feel as though one should be put

right at the entrance of 105 and one down further toward the Moose. Give the person travelling with the car a warning that there are people crossing there. Why I'm bringing it to your attention. Two weeks ago I played with golfers and they were new on the course. They had a cart. We walked. And they say; where's the next hole. I said across the road. I said hold it. There's a road out there. They just took off and kept going. There's no warning for the motorist and the county is equally responsible. They do not have any signs on the county property golf course saying that there is a road there. Someone is going to get killed and I wouldn't bring it to your attention if it wasn't such a dangerous spot. Irene plays golf there. Am I right?"

Irene Pendzick, Town Clerk, "Some people don't think I play golf but you're right."

Bill Nohejl, "I feel as though it should be brought to the attention of either the county or the town to take care of it."

Councilman Lombardi, "It will be brought up Bill."

Bill Nohejl, "Also, on Elton Avenue, I don't know if it's a joke or what, but before you get to Northville Turnpike, there's on of those signs. Green, orange, red on the bottom; saying there is a traffic light at Northville Turnpike. Green on top, yellow in the middle, red on the bottom. It should be the opposite way. It's been there for two months. Thank you."

Councilman Lombardi, "That's the State."

Bill Nohejl, "No it isn't. It's on Elton Street."

Councilman Lombardi, "The state put them up there. They did work up there."

Bill Nohejl, "Northville is a county road."

Councilman Lombardi, "But they did work up there when they did the change over. We'll take care of it."

Supervisor Janoski, "Warren."

Warren McKnight, Wading River, "I'd like to give the Town Board and Irene Pendzick copies of an article in the New York Times this Sunday which I read from Harold Berger, Regional Director of New York State of the Environmental Conservation at Stony Brook. I don't know if anybody had a chance to read it. I came across it by accident. It addresses our problem with waste disposal management and a few other things here. I'd like you to read it and perhaps send some letters to the editor or let us know what you think of Harold Berger and his comments."

Richard Amper, "I'm the Executive Director of the Long Island Pine Barrens Society. I live in Wading River, New York. As you may know, the Pine Barrens Society is an eleven year old nonpartisan organization that has been concerned about the environmental commitment on the East End towns. We've been visiting the East End towns all summer long. We found the environmental commitment of Easthampton good, Southampton, bad and Riverhead, nonexistent. In Riverhead there appears to be no real high level understanding of the purposes and the provisions of the environmental law. Supervisor Janoski seems to view efforts to protect the town's rivers and bays as somewhat cumbersome and unnecessary encroachment on the towns right to build anything it wants anywhere it wants. Under the guise of defending the rights of property owners, their right to develop, Supervisor and other town leaders call for more of the same. Development at any cost regardless of the environmental consequence. Riverhead has regularly refused to conduct a generic environmental impact statement which would assess the cumulative impact of all residential and business development in town on its drinking water, on its open space. Riverhead regularly violates the environmental quality review act. It makes negative declarations of environmental significance on some of the most sensitive land going and ignores the intrigues of the areas most respected by environmental groups. And that's a concern to us. We come again, with the voice of reason. We object to the indiscriminate development along the Peconic River to the Brown Tide of the Peconic Bay to the appalling Mill Pond Commons project, 113 units on 27 acres. Riverhead shows incredible indifference to the environmental needs of a very very special place. The town leaders criticize state efforts of river protection. By pass the county planning board. Call for Home Rule while they demonstrate a complete absence of intent to protect the environment in any way. It's high time those who would lead Riverhead into the next decade, demonstrate some sort of understanding of today's environmental needs and requirements. More residential development brings with it the need for more schools, more roads, more garbage collection and more taxes to pay for them. Nobody is more sensitive than the Riverhead Town Board as to what it cost to run government. They don't like to increase taxes and if we have that many more residents in here, that's what is going to happen. When the local environment is polluted, the shellfish industry dies, tourism declines, restaurants and other businesses are hurt. The value of every one of our private homes is hurt. How disingenuous of some of Riverhead's leaders to pit environmental and economic interests against one another. They're the same. People of Riverhead know that building and more building does not reduce their taxes. We've been building to beat the band out here and it hasn't diminished our tax bill one bit. It's increased the tax bill to pay for those services. The people of Riverhead also know that they don't need still another strip shopping center while stores stand vacant. Nor another condo project while houses go begging. When it comes to the ongoing development, everyone knows we don't need it and we can't afford it. So the Pine Barrens Society

would like to call on Riverhead Town to clean up its heretofore unresponsive environmental act. We'd ask you to reconsider your development at any cost mind set to conduct a generic environmental impact statement to work more closely and responsibly with concerned environmental and civic groups, the Pine Barrens Society included. The economic and environmental future of Riverhead depends on it. I hope we can work together."

Supervisor Janoski, "Let the record show that the hour of 7:46 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, September 5, 1989 at 7:45 p.m. to hear all interested persons wishing to be heard re: **Amendment to Town Code to include Coastal Zone Management Code.**

Supervisor Janoski, "George. This is one of those nonexistent environmental efforts that we're making."

George Bartunek, "I'm the Chairman of the Conservation Advisory Council. And tonight's public hearing is a culmination of a little more than two years of effort on developing a code to protect the coastal areas of the Town of Riverhead. As the Town Board is aware, this proposal has gone through a series of five revisions. It's been reviewed and comments have been taken into consideration, from the Planning Board and the consulting engineer for the town, Mr. John Johnson, from the Town Attorney, from the Conservation Advisory Council and of course from the Department of Environmental Conservation. We also had several, I guess we would call them, pre-hearings and we've also had a public information meeting which was conducted on August 23rd. The meeting was productive. I'm talking of the meeting of August 23rd. And several things came out of that meeting which I would like to comment on before other people make their presentations tonight. One of the primary concerns that was addressed at the August 23rd presentation, the question came up why should we adopt the policy or the proposed code as it has been presented to you instead of adopting the state law, which is in my opinion and the opinion of the people in the Planning Department, less protective than our proposed code. The reason for it is, in my opinion, is that the state code does not protect the coastal areas as they probably deserve to be protected. The code, the law which is being proposed by the state or has been adopted by the state is a generic code. It covers the coastal areas of all of New York State. It doesn't just address the area of Riverhead or Long Island. Secondly, the proposed code is more in line with the policies that have been used by the Conservation Advisory Council since the early 1980's. Perhaps 1982 or 1981. It's when we adopted a policy of trying to restrict development or trying to keep development back 100 feet from the crest of the bluff.

The proposed code is very close to that 100 foot setback. For example: if we take an area of the North Shore where there is a rate of erosion of one foot per year which is a pretty good average for the coastal area of Riverhead, the line, the erosion hazard line which has been delineated by the New York State D.E.C., is 40 feet back from that bluff area. The erosion hazard area line as delineated by the D.E.C. provides for a structure to last 40 years. At a rate of erosion of one foot per year, you'd have the line set back 40 feet from the crest of the bluff. The proposed code for the construction of a house which would require a foundation, excavation of the ground etc., we are suggesting that that structure be moved back an additional 50 feet from the erosion hazard line. So if you can follow this logic; what I'm saying is that if we were to adopt this code, the structure would be back 90 feet. In effect, that is the same as the policy that we've been using for the last seven or eight years. The second thing which came up in the meeting was the primary concern over the area which is referred to as the coastal management zone or the coastal management area which is extending back 100 feet from the erosion buffer zone. As you probably know, we have 100 foot area which is the erosion buffer zone and then we have an additional setback from that which is referred to as the coastal management zone. And there seems to be a lot of exception to that area. That seems to be another concern. Now, that area is not necessarily 100 feet. It can be wherever you have 20% slopes sloping towards the Long Island Sound. And I discussed this last week with Mr. Hanley of the Planning Department and he agrees with me that we should again revise the code so that we do not require someone who wants to build a shed or someone who wants to make an addition onto their house, to apply to the Planning Board for a permit. That was not the intention of any restrictions in that area in the first place. What we should do is amend the proposed code so that anyone, a developer coming into town who would propose a major subdivision or a condominium development, these are the only parties that should be required to apply for a permit. The purpose of this whole thing is of course, to protect the coastal area as best we can. We can't protect the environmental problems of the world but we can do our little part to take care of Riverhead's problems and that's what the purpose of this is for. When a developer does come into town, what we should have is something in black and white. We should have something so this person knows exactly the procedures he should follow and is expected to adhere to and go through in order to get the approval process done as quickly as possible. There is another minor problem which was brought to the attention of Mr. Joe Hall who is the Environmental Planner also for the Planning Department. And the way the fifth provision is worded is that there can be no traffic within the bluff area. Ok. Now the bluff area as defined in this proposed code is wherever there is 20% slope sloping toward the coastal area. It's a little more to the definition than that. This proposed code does not restrict, does not want to restrict any traffic in that area. I suggest that the code be revised to read that any traffic would be restricted



within the erosion hazard area as defined by the State D.E.C. instead of referring to it as the bluff area. And that for example; beach traffic, four wheel drive and so on, be restricted within the erosion hazard area. They would have to be seaward of the debris line or the toe of the dune or something like that and that can be easily revised. If it suits the Board, what I would like to do is answer any questions that the public would have about the code. If they would like to address questions to the Board and the Board would like to address the question to me, or if the Board would permit me, if someone were to make a misstatement or present something which is not in the code or some misinformation or something like that, I would like to be permitted to address the Board and try to clarify any comment that would be made. Thank you very much."

Supervisor Janoski, "Okay. We will now come to the public portion of the public hearing. It is, once again, an opportunity for the citizens of the town, having had the information meeting and articles and information given to you, to express your opinion or opinions with regard to the proposal. It is not really a time for questions but if there is some clarification that needs to be undertaken, we will attempt to do that. Tell us what you think of it, yes or no and why. Give us some reasons. And while I don't think that there will be any problem, please don't debate with any member of the audience your position. We're here as the Town Board to listen to your opinion to build a record of testimony which we take under consideration in making our final decision on the proposal. Having said that, I will recognize the first individual who wishes to speak. Somebody has got to be first. For those who may not be familiar; when you come up to the microphone, please state your name and address."

Roger Schilling, Baiting Hollow, "Echoing the gentleman's words, I guess where I want to start is the law seems to be addressing control of the development of shorefront property which I think everybody agrees with. I'm one of the little guys and I'm concerned that the way the law is written, I'm going to fall into the cracks and get hurt. Specifically, the issue relates to existing structures on the coastal management zone. And we attended the prior meetings where they discussed restrictions on rebuilding a home that was knocked down. Specifically the law says that if the home is knocked through some event other than wind or water, that there would be no need to get a permit to rebuild. I guess if somebody burns it down. But specifically if it was knocked down by wind or water, there would be a special permit required to rebuild that house. My concern is this and we verified with Joe Hall of the Planning Department, is that area was intentionally left open so the Board could determine whether or not they would allow a homeowner to rebuild his house. I think that's a big problem because in essence, you're going to confiscate my right to rebuild my office. And so I'm going to suffer immediate economic loss because the value of the property goes down. And number two, it leaves open to an arbitrary type situation. Now, everybody in

the Planning Board said our intent is not to take the guys house away from him. But the way the law is written, that could happen. I'm a little disappointed that Mr. Pike is not here because I raised that issue with him right after the meeting and he said he was familiar with a recent court ruling in California where a property owner felt his property was being relieved without due process and he took it to Supreme Court and won. So my issue is, let's address that now. The prior gentleman already mentioned, the law has to be tinkered with. Nobody intends to take something away from somebody. So he had a laundry list of little changes. Well, I'd like to add to that list of changes that says if the wind comes and knocks my house down, I don't want the taxpayer to pick up the tab on it. But if I want to rebuild it so it gets knocked down again, I think I should be able to do that. Again, I'm a little guy. I'm not a developer. I have an existing structure. So I'm kind of narrow where I want to be. Thank you."

Supervisor Janoski, "Thank you."

Keith Kammerer, Riverhead, "Mr. Supervisor, members of the Board. I represent a few clients with property on the Bluffs. I would indicate that some of them are here and they will be addressing their own particular parcels this evening. I would like to point out that despite the fact there has been a representation as to the purpose of this act, I think it's edifying to know that the name of the state law under which the coastal management zone act comes from is called the shoreowners petition act. I think you have to perceive the irony that when you're going to protect the shoreowner by telling him how and where and maybe that he can't use his property, that something may be lost in the translation as to how you're protecting the shoreowner. I understand also and I don't mean to conjoin the Board because I know the Board is faced with adopting some sort of regulation under the state law. Because if the town were not to go forward and adopt some manner of regular, why then the County of Suffolk would be given the opportunity to further erode the Riverhead tax base. And absent the county working, then the state would in fact be regulating more Riverhead Town property. It's my understanding from the comments made by the head of the Conservation Advisory Council, who's work on this entails two years that already revisions are proposed. So in the first instance, it's very difficult to address proposed revisions that are not before us. I would also like to comment that many of the materials as underlined in the latest edition would indicate, by comparing it with the state regs., that approximately 50% or more of the added language comes directly from the state regulations. And at the end of two years, I'm really at a loss to understand why it took two years to reincorporate state regulations back into the local proposed regulations. I would indicate that under the state regulations, although it's been opined already this evening that the state regulations are less protective. The state regulations were promulgated by the Department of Environmental Conservation and under the State Legislative Act,

have been determined to be sufficient to carry out the legislative purpose of the state law. The way the state law works is to arbitrarily pick a line and to say; sir, on the north side of that line, you will not do anything but build a walk way. On the other side, it's up to the town. Many things and many contradictions in this proposed regulation must be addressed. But the most erroneous is to have taken the state line known as the coastal erosion hazard line and add 200 feet onto it for the purpose of regulation. One is called a buffer zone. One is called a management zone. That's 200 feet of regulations that the state does not require. That's 200 feet of area running back from the bluff line that people are going to have to get permits. And in fact, if they need a permit and they don't meet the criteria, they may very well have to go for a variance. That's a very expensive proposition under any scenario. Today, in place in Riverhead, you have the same policies being implemented by the Conservation Advisory Council. Your property runs less than 100 feet back from the bluff line. The Conservation Advisory Council says we recommend that you don't build. The current procedure as you come before the Town Board and you say; if I can't build, I've got no use to my property and the Town Board has to listen to the impact of that taking. You've now created an incredible bureaucratic morass that even the most diligent person is going to have difficulty complying with. And should they build a dog house in the wrong area, the subject themselves to \$1,000 worth of fines which I might also add, is totally new language that was added between the fourth and fifth editions in the later part of the proposed regulations. I would say the penalties are erroneous and may not fit the intent and purpose of the law. I would ask the Board to search through these regulations and determine that the state regulations are erroneous enough and would not further impose an additional 200 feet of regulations beyond that coastal erosion hazard line. What in fact you have done by establishing a coastal management zone, is to create another zone within all the other zoning districts of the Town of Riverhead, and despite landfalling and agricultural or residential use to superimpose another regulatory scheme upon them saying that whatever zoning you have in effect, is insufficient and that you must create this or establish an additional burden to any construction and site location of any improvements that you may want to put on your property. Nowhere in here is it provided for that if you own a piece of land single and separately and in fact your property only goes back 50 feet from the bluff line, what you can do other than to get a variance. I would ask the Board to use some common sense application and provide a mechanism for such property owners. These were written primarily upstate. They were revised locally to try to cover a planner's conception of how we would proceed if Long Island had no people on it. But Long Island does have people on it, people own property and they own property on the bluff lines. I would ask the Town Board to establish a mechanism wherein those people who currently own land that can not be further subdivided, what's commonly known as single and separate, some mechanism not to be penalized and have to go through this

entire process. I would like the opportunity to submit additional comments in writing because I have gone through this at some length comparing it with the state regulations. And in fact, comparing it with itself, there's a lot of inconsistencies. The permit definition does not comply in all cases with the permits that are required here. A lot of the added language refers to the coastal management permit which is what the state requires. But nowhere in this regulation, is that permit even required. Such inconsistencies show that there's a lot more work and a lot more revisions that have to be made to this zone. I thank you."

Supervisor Janoski, "While you're coming up, I'm glad Keith mentioned and pointed out that the town is under some bit of pressure to enact some protection for the coastal areas. If we fail to do so, the county can step in and do it. If they fail to do so, the state would do it. So we want to do it locally."

Allan Grathwohl, "Mr. Chairman, members of the Town Board. My wife and I have a piece of property up on the Sound at Rolling Woods, north of Rolling Woods, Roanoke Point. We have the only house in the Town of Riverhead that actually sits on the beach and it has sat there for some 78 years. I have reviewed, as has the previous speaker, both the state law and the town law proposed. Under the state law, and we are wholly within the state hazard zone, so we are coming under restriction under any circumstance. I find that actually I come off better than I do under the town law. There are four specific areas that I have a concern with. The first is applicability. The last provision of the state law, section 103 of chapter 34 grants the towns the right to grandfather certain things. I find it fascinating that the town's own code proposed, does not do any grandfathering. I am speaking specifically of minor subdivisions before the Planning Board. I am speaking of possible decisions of the Zoning Board of Appeals and possible decisions of the Town Board itself. In 1983, we went the entire route that is proposed by this law. We went the route of subdivision site planning, maps, Planning Board, Conservation Advisory Commission. And we had a ruling at that time that allowed us the right to rebuild. We spent some \$4,000 to obtain that. And with this law being silent on that issue and I addressed it with the Town Planner, my answer was; you go through it again. In signing the documents that had to be signed with respect to that decision of the Planning Board, I feel we have given our word. I would assume that a Planning Board decision of this town is the word of the town. And both my wife and I would expect the town to live up to its work. Other issues that I wish to address concern the restrictions which are located in section 5 of the town code. It uses, relative to building permits, a date certain of April 2, 1983. One stops and thinks, that's six and a half years ago. I do not know what the statute of limitations is on obtaining a building permit in the Town of Riverhead. But general establishment on limitations as far as the federal government goes short of murder or treason, is seven years. If we carry

this law to its absurdity, we could be talking ten years hence that the Town of Riverhead would have a zoning and enforcement code on building permits that is longer than anything but those two and I don't think that is the intent. That somewhere the homeowner is protected, I don't know what that is but I would like to see that question addressed by town council. The third issue that I have concerns an issue that was addressed previously and that's vehicular traffic on the bluff. And I was very interested in the answer that we're only talking about the coastal hazard zone. Well, I have a 300 foot driveway that runs perpendicular to Roanoke Avenue, goes parallel to the Sound across the coastal hazard zone. In accordance with the law of the Town of Riverhead, I'm not sure I can even drive in my driveway. Now, I know that wasn't the intent. But that is what it says. There is no reference in the existing law or proposed law to existing right of ways or existing driveways. And finally, a few weeks ago, there was a very heated hearing before this Board on vehicular traffic and chapter 48 of the Town Code controls vehicular traffic on the beach. And in looking at the definition that the town uses in establishing its permits for vehicular traffic and looking at the vehicular traffic definition by talking about debris lines as it is in this bill, I suddenly find that they can and usually are in conflict and I would hate to see one law used as a vehicle for enlarging the rights of beach vehicle use in another law and that's exactly what this does. It says in the absence of a debris line, the toe of the bluff is the debris line which then can be assumed by anyone who is riding the beach; I can ride right up to the bluff. I don't think that was the intent. While I don't support the people's right to ride the beaches and would like to see that curtailed, I do support the Town Board's right to put it where it belongs which is in article 48 and not in a conservation article. Thank you Mr. Chairman."

Henry Saxtein, Aquebogue, "Good evening Supervisor Janoski and members of the Board. Good evening. My concern about this act is that it's another layer of bureaucracy that I don't think we need. I particularly want to comment on the maps that are being used for the design of the buffer zone and the management zone. These maps show buildings and other structures as they currently exist. I'm sorry. Not as they currently exist but as they existed many years ago. I own a parcel of property that is identified by map number 600-7-3-33 and your map shows a house there. However, it doesn't show that there's a well pit. It doesn't show that there's stairs. It doesn't show that there's a jetty out front that's owned by the County of Suffolk. It shows other houses in the neighborhood that are not accurately depicted here and there are numerous houses that are there now that aren't shown on the map. I think that before any management or any buffer zone is adopted under this ordinance, you should have an accurate inventory of what you're trying to control. Because without that, you're not going to be able to control anything. Thank you."

Bill Talmage, Riverhead, "I'm representing Friar's Head Farm and my family. We own over 100 acres that are effected by this proposal and we oppose resolution 437 for many reasons. The first is that it's not needed. There are no regulations at all before 1983. And as you know, houses falling over the bluffs in Riverhead is not one of our biggest problems. It just isn't happening that much despite the fact that these were built before we had regulations. And if my house does fall over a bluff, it hurts me. The bluff would still erode if I had a house up there or not and my house is there by choice. And if it's destroyed, it's my loss. And if I rebuild it, it's my risk and I don't need more government to protect me whether I want it or not. The major argument for this is we have to have local control. We agree with that but there's not guarantee that the D.E.C. will not still require a permit. The freshwater wetlands is an example. And the project still has to comply with SEQRA, the State Quality Review Act and also get building permits and it's their job to look at exactly these types of environmental impacts. Is it going to slide down the bluffs. Is it being built properly and what are the environmental impacts of what you're proposing. This proposal doesn't reflect it. If we could just adopt the D.E.C. regs as they are word for word, and still get local control. A big problem I have with this is that the lines are arbitrary. The C.A.C. obviously thinks the D.E.C.'s erosion hazard area line is wrong because it came out with a new line. I think it's interesting that the C.A.C. thinks the D.E.C. line is wrong by exactly 200 feet in every case. Hence, there line is 200 feet inland. And if that's unarbitrary, I don't know what is. The next is the most potentially devastating part of the resolution. The C.A.C. proposal has a completely new line that is not even mentioned in the D.E.C. and this is the 20% slope rule. This is totally arbitrary and it's done without research showing that 20% slopes and ravines have a relationship to coastal erosion. There's no accounting for historical erosion data. We have a cut road going down the face of our bluff. It was put there in the 1600's and the early 1700's to haul cut firewood down to the bluff. That's sitting right down the face of the bluff. We have trees growing all the way down to the water. That road is still there for all these hundreds of years. Any historical data that was used to show that we're losing a foot a year or anything like that, must have been kept by the Indians before there were any white men here. There's no accounting for rocks offshore that you can't even see that trip waves in the wintertime, and jetties and people's efforts in preserving their bluffs and beachfront by putting jetties and all kinds of things. There's no accounting of soil types. Some of those bluffs up there are almost solid clay. Up where the wrecks are, there was a sand and gravel company there. They hit clay. There's a lot of clay in there that won't erode no matter what you do. You can pick it up and make a statue out of it. That hasn't been considered. Also, I have a problem with this 20% slope thing. I don't know what it is about 20% slopes that's making everybody crazy in this town. Once already this year we had a proposal to remove 20% slopes from the yield calculations.

You could build on them but you just couldn't count them. This time you can count them but you can't build on them. It's like somebody wants to do something to people who have 20% slopes but they don't care what. The part of this that bothers me the most and I have a picture here just for the record. It's difficult to see. This is an aerial photograph."

Supervisor Janoski, "Are you going to make that part of the record?"

Bill Talmage, "I'll just describe it. This is too expensive for that. I thought you were going to have your maps up there."

Supervisor Janoski, "That's why I asked you because I want you to...."

Bill Talmage, "Well anyway. Right behind the wrecks and a lot of people know where the wrecks are, there's a.... Right here is where the wrecks are. There were wrecked ships that were put in here in the 1930's up on the beach. This is a sand and gravel operation here. Because of these five or six wrecked ships up here, the beach has been building up since the 30's. The beach grass comes all the way out here. These are tertiary trees growing all the way down to the water. There is no erosion here at all. The beach is building up. Here, because of this 20% ravine thing, we have a setback line or regulated line of 1,100 feet back from the beach. If we're losing a foot a year, you could build a house here and 1,100 years it would still be there. It's crazy. That's probably the furthest setback of any place in Riverhead Town and yet there's less erosion there than any place you can find. And I've got more hours flying along the bluffs and the beaches of Riverhead than probably anybody except my father and I've been doing it for 17 years and I've seen every bit of the shoreline in Riverhead and I could tell you where the erosion is happening. It's not happening here. This is solidly treed and everything. I don't know where this thing came from about the 20% slopes but it's devastating. Thank you. Also, at the information meeting when this plan was presented, they finished up the initial explanation of it and nobody talked about the 20% slopes. They talked about the extra 200 feet they're adding but they didn't talk about the 20% slopes. I had to get up and tell people about that. Some people here are losing 800 feet if they interpret this wrong. Another problem with this is that there are no standards in this proposal. Section 7 says that there are standards but there's nothing in it to guarantee you the right to build if you don't create erosion problems. Section 7 part E-1 says they can turn down your new deck, your swimming pool, your dog house if they don't think it's necessary and reasonable. Now, you may think your swimming pool is necessary but they may not think it's as necessary as you do or your deck or whatever. In other words, they can or future Boards can turn down everything within these new lines and use them as total setback lines. And if the law just said you can't build

within this line, it might be a taking. And therefore, you might be able to sue. This law says you can build but you just got to get a permit. But then they can turn you down for everything. After a couple of years when no permits have been granted, they say since you can't build on it anyway, we might as well get the yield. You can't count the yield and we're back to that again. There's nothing I can see to stop every permit from being turned down if they want to and there's a huge potential for abuse in that for all kinds of prohibited zoning. Also, in the appeal process. It says you can appeal but you can only appeal the designation. So in other words, you can say; I'm not in the coastal management zone. You can appeal the designation and that's about it as far as appeals go. As you know, I've been working very hard on the TDR program, transfer of development rights program where we try to move development from places where it's going to cost people money with kids and schools and houses to places where it's going to have a positive tax impact on the town. The only two reasonable receiving areas that we're able to come up with are north of Sound Avenue and the Hamlet redevelopment district. The state has come out with another line of Wild, Scenic, Recreational Rivers Act line which essentially has wiped out the redevelopment district in town which are other receiving area. So they really shot us in the foot in terms of one of our two receiving areas that we could transfer development to. And with this law, we're really about to shoot ourselves in the other foot. The only thing that could use development rights and preserve farmland and open space and aquifer recharge areas is development up along the Sound. There are only two projects up there and neither one of them are doing particularly well and they were under the old more lenient rules. If you have a tremendously further setback, the only thing you're really selling up there are views, and if you can't see the water, you might as well develop out in the middle of farm fields. So right now we're in a situation where we have potential to do some good at no cost to the taxpayer and transfer some development to a positive contribution tax base scenario. We come along and decide we're going to regulate and very very excessively regulate, our receiving area. And I think that at this time when we have a possibility of maybe getting this TDR thing back on track, it would be a terrible thing to do at this point. At the information meeting many people asked why can't we just accept D.E.C. regs as they are and thereby get local control? I agree. When asked at the information meeting why the C.A.C. added all these extra regulations, George Bartunek said he was thinking 100 years into the future. Some of these arbitrary new regulations cover land that won't be touched by erosion for thousands of years. Let's just adopt the D.E.C. regs as they are and cease trying to be creative with other people's assets. Thank you."

George Bartunek, "There are a couple of things that were mentioned by Mr. Saxtein. First of all, the question about the accuracy of the maps has been brought to our attention and we're aware of certain problems with those maps. And the reason why we



used these maps which were prepared by the Suffolk County Department of Health Services I believe, is that it saved the town a tremendous amount of money to use maps that were already prepared. All we had to do was put on the proposed lines on the maps which cost enough money as it was and they are simply being used as base maps to indicate where; if a person (for example) came in and wanted to build a house on a certain piece of property, we would know where the approximation of the erosion hazard line was. And then what would be explained to that person is what procedure he or she would have to go through for the development and they would come in with a survey that would be more accurately done that would show the erosion hazard line on it and that's the map that we would use for the final determination and the Planning Board would use for the final interpretation. I have some other comments I would like to make on Mr. Talmage's comments that was just made. Some of the comments are slanted a little bit and much further than the intent of what the proposed code is, I guess is the way to put it. The first comment that was made is that what is to stop the state from coming in if the town adopts a code, what is to stop the State Department of Environmental Conservation from coming in and requiring another permit on top of a permit from the Planning Board? The state code specifically states that if the town assumes local jurisdiction, that the town will have the complete permit approving process. There was also some reference that the D.E.C. is now coming in and taking control of the wetlands which the town has had jurisdiction over since 1981 I believe is when the maps were adopted by the town and that is true. And what we are going to have to do to try to get local jurisdiction is to simply revise Chapter 107 of the town code so that we can maintain local jurisdiction over the wetlands. The question came up of the creation of the new lines that we didn't have any faith in the D.E.C. line, the erosion hazard line. And as I stated in my introduction, that the erosion hazard line provides that if a structure were built on that line, it would provide for a structure to last for only 40 years. And I don't believe that the town would want to see a structure being built that would last or would have an expectancy of 40 years. You would have all kinds of problems cleaning up debris if a hurricane, for example, four years down the road were to come and wipe out a lot of structures that were built on that line. And you're going to have a lot of destruction of the vegetation on the bluff which is only going to lead to an increase of the erosion problem. It was also presented that at Friar's Head, there is no erosion occurring at this time and it is a very stable piece of land. There is no doubt it. You have forested vegetation going right down to the end of the bluff face right on to the beach as a matter of fact. But in an area to the east and to the west of Friar's Head, a study that was done, completed in 1973 by the Nassau Suffolk Regional Planning Board, the average rate of erosion according to that study was at a rate of 2.2 feet per year. Now this was done using historical information, aerial photographs and maps and so forth. So on an average, there is significant erosion in that area. Where the number 20% slope

came from, we decided with the Planning Department that the Suffolk County Regional Planning Board, wherever there are 20% slopes and there is going to be a subdivision or a condominium being developed on those slopes, the Planning Commission wants to look at those developments. And we felt that a 20% slope on the bluff face would also be a very important thing for the Planning Board and the C.A.C. and the Town Board to take a look at. We have significant problems where a lot of land might be cleared at one time. For example, for a major subdivision. And if you're on a 20% slope, you're going to have significant erosion occurring as everyone is aware, is occurring right now at Bluffs II and that's not even a 20% slope. We could have significant problems if these 20% slopes are not taken into consideration with major subdivisions. I think that's about the only... One more question that was brought up was the problem of the appeal of the designation and that's true. That the only appeal that you have rights now is to the state for the designation of the erosion hazard line. But I would like to submit to the Town Board that if we do adopt the local code, that there is an appeal process. You're dealing with local people. And that if you have a piece of property that is (for example) completely within the buffer zone, that we are going to be listening to property owners. We are going to be reasonable people. We are not going to be people up in Albany who don't care about the property owner. We're going to do everything that is possible not only to protect the bluff area but also to see people can do with their property as they have paid for. Thank you again."

Supervisor Janoski, "Mr. Roberts."

Bill Roberts, Baiting Hollow, "I am not a large property owner on the bluff. I am not a developer. I have a vacant lot which is 50 feet wide, 255 feet deep up to the mean water mark. The property is vacant. It's complicated by the fact that only 45 feet of that property is a plateau on which a house can be built. After that, there's the bluff going down to the beach up to the mean high water mark. So effectively, I can build, I hope, on a piece of property, a house that's 55 feet wide by 45 feet deep. I wrote a letter to the Town Board in June when I was in Buffalo because this coastal zone management thing was kicking around at that time, and I faxed it down to the Town Board. I'd like to read it into the record. Dear Town Board members: the proposed new chapter of coastal zone management does not protect shorefront property owners such as ourselves who have been frustrated in getting all the necessary approvals to build on their lots. In our case, lot 39-2-35. We started our approval process in March of '87. In March of '87. We applied to the Department of Health Services of Suffolk County in October of '87. They turned us down. We brought suit against them. The only way a civilian can bring a suit against a government agency is an Article 78 proceeding and we won and the judge ordered the Health Department to hold a new hearing and ordered them to either grant the variance we needed or they would suffer penalties. That was 23 months ago that we applied. In January,

the judge ordered the Health Department to do this. So far the Health Department has done absolutely nothing. We're still awaiting Health Department approval. As you can see, Mrs. Roberts and I have obtained all the necessary approvals including the D.E.C. in a timely fashion but I'm stymied by the Health Department for the past 23 months by its irrelevant objections and foot dragging. We spent a lot of time and money and have endured a lot of aggravation in this drawn out scenario which hopefully will end shortly by the Health Department approving our variance and application. Evelyn and I are of retirement age. I'm permanently rated 60% disabled by the V.A. for injuries incurred during World War II. I recently underwent a relatively simple operation that became complicated because of steadily worsening heart condition I've had for 15 years which led to my forced medical retirement. My wife faces the prospect of a total ear replacement in the near future. We bought the lot in question 25 years ago for investment purposes, to be our nest egg for our retirement. However, no one will buy our lot unless all approvals are in place including that of the Health Department. It would be a travesty of justice to wipe us out, to prevent us from building or selling our nest egg now. Evelyn and I stabilized the Long Island side of our bluff years ago through laborious plantings of japanese black pines and beach grasses. We have no erosion. Seeing is believing. You can't rely on a set of computer generated lines drawn up on a model program by someone sitting in an antiseptic bell jar environment in Albany. In conclusion, we strongly urge that a grandfather clause be incorporated into the proposed new chapter. And that we and any other similarly effected lot owners be sheltered under it from the harsh limitations and prohibitions contained in this chapter."

Supervisor Janoski, "Is there anyone else present wishing to address the Board?"

Anthony Lohr, Farmingdale, "I'm not as lucky as Mr. Talmage to have his property protected for 1,100 years. Mine is only 640. I'm on a bluff 150 high. Four hundred feet from the high water mark to the bluff and another 200 feet, that's 600 feet. Then if I want to build a house and put a cellar, I have to come another 50 foot out of 750 some odd feet. I don't see the purpose for that. A hundred and fifty foot high bluff is not going to.... All I need is 40 years. We don't need no 100 years. I believe in a local jurisdiction, yes but cut this thing down from 200 feet to a reasonable 50 feet so people can live with it or 30 feet. Thank you."

Supervisor Janoski, "Thank you. Anyone else present wishing to address the Board? I see a hand. I don't know who."

Walter McQuade, Riverhead, "Mr. Supervisor, members of the Board. I have a piece of land close to Mr. Talmage's land. It borders on it on the bluff. Now, I am not planning to develop this land but I would like some time or soon for my children to

build houses on this land which can see the water. Now, under the proposals, if applied rigidly, now I don't think this Board would do it but there are many Boards to come and were not writing to cut current fashion but for a long time. The problem with this in my mind is not the setbacks on the bluff but the coastal management zone. This is a very arbitrary line. And the only explanation of why is really to be applied is when appropriate. Now what is appropriate now may not be seen as appropriate in the future. So I would like to drop that coastal management zone. And to do it, first I would recommend that this law deletes the definition of bluff as is proposed and use instead the definition of bluff on page two of the State Coastal Management Regulations as amended in March of '88. It's a more reasonable realistic understandable definition. Also, on page 3 of the proposed local law E; coastal management zone and so forth; I would proposed that it be deleted. There are no real standards that apply. Eleven hundred feet back into my land is close to the border of the land. And if applied rigidly, that land could be sterile as far as building or development. I would also, on page 3 of the proposed local law of coastal management zone; delete the reference to the coastal management zone. And also on page 14 of the proposed local law; delete again the coastal management zone. I had some experience with this kind of hearing generally on the other side. I've never before seen an official placed in a position to debate with people who are from the audience saying what they like or do not like. I would object to that. So I think to sum it up; the real weakness in this law is an added decoration which is the coastal management zone. You can protect that land no matter how you want to set back the first two lines, very adequately. And you may, as I say, sterilize a lot of land that could be well used. Thank you."

Supervisor Janoski, "Thank you. Anyone else wishing to address the Town Board? Betty."

Betty Brown, "Serving as the vice president of the North Fork Environmental Council, I wanted to say that we are proud of the efforts of the town Conservation Advisory Council and the initiative of the Chairman, Mr. Bartunek. We support and recommend to the Board to lend their support when passing this legislation. It is an important step forward toward managing properly your coastal areas. However, one serious flaw exists. I would like to point out that in section 10, it affords to the Town Board sole discretionary power to adjust the erosion flood hazard boundaries. Public involvement and participation is directly precluded. The only means the public would have to participate would be the necessary public hearing mandated if the C.A.C. would deny an application. I recommend that section 10 part D be amended to read: The Town Board should hold a public hearing within 45 days of receiving a completed appeal application and adopt a findings statement by resolution prior to adjusting the erosion flood hazard area boundary. I just wanted to make a couple of comments on some testimony I heard here

tonight about TDR receiving areas. It was mentioned earlier I think by Mr. Talmage and I thought perhaps he might have confused some people since they are not familiar with the language of TDR receiving. I just wanted to take a moment to comment on this act or plan that he mentioned might jeopardize the receiving area that the town may want to put more development in. Two points. One; this town has not adopted any receiving area or any plan whatsoever. This concept is part and parcel of an open space plan that is also part and parcel of an upzoning proposal that we neither have at this time either. And two; as a very important factor that seems like someone has forgotten this evening, and that is that the Task Force discussion centered around making this receiving area along the coastal line. Only a receiving area except heavy development if it does not jeopardize our coastal area at all. And that all the projects were placed in a proper area to preserve and enhance the coastline and not to jeopardize it in any way. Close scrutiny should be given to all development in the receiving area even if we're going to have it be a receiving area in the future. We can not burden the land along the coast even if people would like to be closer for a better view. Thank you."

Supervisor Janoski, "Anyone else present.... I don't want to start a debate Bill. And the gentlemen is absolutely correct. George, if I had know he was going to get into a debating conversation, I would not have recognized him. I thought he wanted to clarify something. Keith, what is on your mind. Did you have your hand up sir? Well, you haven't spoken yet sir, so why don't you take the microphone."

Mr. Hannah, Riverhead, "I'm originally from Czechoslovakia as you can detect my slight accent. I have a piece of property. I'm here 25 years in Reeves Park on Crows Nest Drive and I love the place and I..... **INAUDIBLE**. The next time I came, the house was standing. I didn't have any problems. But now since the new laws are coming, I will agree with everything that was said here but the problem is this nice people that are now sitting on these boards, they might not be here ten years from now. What will happen then? It will, I think according to my experience, be big bureaucrats and..... **INAUDIBLE**. Because I feel that these younger people will be more aggressive and they will like to have more power and we will be found in situations let's say like these gentlemen have said; that he is waiting for a permit 22 months. So it's a tremendous loss for people who want to build a little house there. So how we going to prevent, according to my experience and I know bureaucracy because I live in Czechoslovakia under the great democrats and then came Hitler. I had to live through him. And then after Hitler came Stalin. I have to live through him too but I didn't wait until they hang me. I run away. So I'm here now. So I can see how this thing creeps a little on the people. That when the democracy.... Here is democracy. We have to say there is democracy here. But when they start to tell you you can not do this, you can not do this, you buy a piece of property and you want to invest a little.

Like I know a couple cases they want to build a house there for their children and something like that. And something came like that that you are short. So I think we should pose our reservations but what we should also consider, the water. We are talking here only about the bluffs and driving through the things but we don't consider how the water is dirty. And this is probably a more important thing because as you can know around in New York, practically you can not go to swim. You have to drive out to here. So maybe we should also consider how we're going to have the water cleaner. Have catch basins so the flush from the streets don't go down there. Protect the bluff with stones so that it doesn't come and slide down. Things like that we should consider more than to say; there is a thing you can not use here. If the bluff, like the gentleman says it's clay, I know it's a sand stone there and this is a sand stone. And when I came to my place, I can see these layers of sand stone. So it is not the sand. It is a sand stone. I tried to drive a steel beam with a sledge hammer. It took me two hours to drive it maybe three feet deep. So we should consider also on things like this of how the bluff is protected. If I have a storm wall there which is about 7 or 8 feet high, I don't have to worry about my cliff. My cliff is there 25 years and I didn't erode an inch. In 25 years, I will put in statements that I will have no erosion. But you can not take this in such a way that everything is on the level; you lose every year two feet. No, you don't lose it. It solely depends on how people protect it. If they planted grass there and trees and took care of it, you will have no such a tremendous erosion, 200 feet in 200 years or something like that. So I would suggest that we concern ourselves more with how to protect the beaches, how to protect the water running from the street and all the dirt doesn't go there and things like that. As I said before, these people down at the Town Hall are very nice. Some of them know me like Mr. Lombardi. So I know them. They are very nice people but what will be the future ten years from now? Who is going to sit there? I might not be here but I will have children who can not go down there and repair the house. Okay. Thank you."

Joan Grathwohl, Roanoke Avenue, "Having lived with access to that area all of my life which I won't go into how old, but you can see I'm no spring chicken. Anyway, the only erosion that I have ever seen up on all those cliffs is when bulkheads aren't built. My aunt has a house that would have long since fallen over if it had not had proper bulkheading and that's only done if somebody builds a house. It would seem, why wait until it is eroded away if this foot a year ruling that is proposed in the conservation legislation, I feel that if someone builds a house, they would make every effort to stop erosion by putting something like that and it does stop it. So I feel that this 400, 200 is a fallacy. I don't think it happens. I can so in the case of my house, it would have long since washed out if it wasn't that it had a bulkhead to protect it. Thank you."

Clarissa Rossler, Northville, "I have a home on the Northville area on Sound Shore Road. I just wanted to mention to you that I'm very much in favor of the grandfather clause or something that you people can write when you finally put this together, to give us a chance that have built a home; go through the town Planning Board; gotten the variances; applied for the different permits we needed to put up our residence as we have. Also have to go along with the Health Department and make our sewage and water supply system for a year around home even though it's used as a summer place. And if I would like to now expand my place and make it for a year around home for retirement, I certainly would like something in place so that when I go to do that I'm not going to have to spend a fortune to do that, that I'm not going to have to spend a couple or 2 or 3 years to get the permits that are needed. I would like very much to see something that's grandfathered that gives us the right to use our place as we'd like to do it for retirement and year around. Thank you."

Supervisor Janoski, "Allen."

Allen Smith, Riverhead, "Mr. Supervisor, my name is Allen Smith, attorney with offices at 737 Roanoke Avenue. I've handed up to the Board four separate letters indicating the four clients that I represent this evening. Not to disparage any of the others, but the nearest and dearest to me is my own property on the Bay. And in that regard, I'm representing my wife who is nearest and dearest to me. I'm sorry that my comments will not lend themselves to any particular outline but it is the nature of the particular act that is proposed that accounts for the lack of an outline. I will simply take them as they come and these comments are not identified during this presentation as to the individual client I represent. That is done in the letters. There is a question that is apparent on the face of this legislation as to whether or not the criteria that is called out in the definitional sections is the criteria that will end up over the years that this law is enforced. Determining where this particular act will apply or whether or not the maps as are proposed this evening, control. Specifically in my own instance with reference to my own property, I recognize the topographical data that is reflected upon my parcel. The topographical data that is reflected on the home that own is incorrect. It is at least 1975 or earlier. You can see that if you look at the particular sheet that involves my particular piece of property and look across Jacobs Place to Bay Woods. If you look there you will find that only three houses are reflected in the area. All of the houses that have been there since my youth are not reflected at all. This is very old topographical information that you've got. The reason it makes a difference is that in your later sections of this local law, you say to people; if the structures are not identified as existent on these maps, ten years from now someone officiating this particular map can take the position that those were not protected improvements, they were not in existence in 1983. So I would suggest to people like

Larry Galasso whose major improvements in his facility were made since that map was complete. And again, that was a neighbor of mine and I'm familiar with. That he and others like these people in the audience, understand the importance of these particular maps if they are in fact controlling and they must examine their property, look at these maps. And if there are errors as there are on mine, they have to put you on notice and make sure that the maps are amended. Conversely, if the lines shown on the maps are not dispositive and the criteria that is called out in this local law is dispositive, the line doesn't fall in the same place. For instance, if you will look at Northville and the line as it relates to the tank farm, there is a deep sloping ravine that comes up on the east side of the tank farm. Now, if the language of the act is used and you set back from those slopes 20% which I will address later on, the line does not go where it is shown on this particular map. So both for my purposes and for the purposes of this audience, somebody has to clarify whether it's going to be the criteria called out in the local law or the actual mapping that you have before you. Further, there's no provision in these particular pages with reference the things that are mandated by other superior jurisdictions. I.E., if the E.P.A. or the Suffolk County Health were to tell Northville to dig up their pipelines that are currently underground and put them above ground, they must do so. But in theory, in the way your ordinance reads, you're going to have to, although mandate it or directed say by the Coast Guard, EPA, New York State D.E.C., County Health, (you- the owner) is going to have to come to this jurisdiction and get a permit. Really all activities that are dictated by superior jurisdictions should be exempted from this particular act. Further, there is language in your act that takes a plunge at writing a constitutional ordinance in terms of vested property rights. It has been expressed earlier in the hearing by people in a laymen sense in terms of grandfathering. What you have written is something inartful and unconstitutional. Vesting is expressed in this particular draft only in the sense of having built something. That is not the only way that vesting can in fact occur. For instance, if you will think about the two projects that have involved TDR transfers into the Suffolk County Farmland Preservation Program, between those two projects, approximately 130 to 140 acres of off site farmlands have been dedicated forever into the Suffolk County Farmlands Preservation Program. That is vesting. That is a substantial expenditure of money predicated upon the permits that were issued by this Town Board. That is ignored totally by this act. You do not have a constitutional provision in this act that would protect vested property rights. I would further point out that this particular act seriously effects the values of properties along the water. You have already experienced an adverse determination in the tax certiorari case involving Northville Industries in a theory called "Cure Right". The essence of it is; if you so regulate through article 12 of the Suffolk County Health Code a particular piece of real property such that it can not be used as it is currently being used or if you were (say) to take down the tax; use it for some other



purposes, you have lost value. This statute does it again but it is not limited in this particular instance to Northville. It applies to all of the waterfront property in the Town of Riverhead. You are creating the same type of challenge to the evaluations the assessors are putting on the property. I will now skip to a couple of technical things. The proposed act talks in terms of a 20% slope. As written, it is meaningless. As I put it in letter, 20% slope equates out to an 18 degree angle. Well, is it an 18 degree angle one foot long or 20 feet long? Obviously you didn't intend to regulate a slope of 18 degrees that's a half of foot long. But the question is, what is the horizontal distance that you were attempting to regulate? That's entirely absent here and lends a great deal of credibility to Mr. Talmage's comments about where the line lands on his family's property. Another technical item is that you allow repairs or maintenance of structures such as floating docks and piers except for those repairs occasion by tidal flooding. Well, that will mean that everybody that has a dock or pier on the Bay is in here every year renewing permits. Because in fact, most of the docks and piers are lifted up by the ice. And if you draw a hurricane, you're going to have everybody on either shore in here permitting all the wharfs, piers, docks, poles, borings. It's just.... I mean you're going to have Larry Galasso living down here for instance. Another technical item is the erosion rate. I have mentioned with reference to the comments being imposed by Northville Industries. That they have historical data indicating that the one foot per year rate is not appropriate rate with reference to that property. It's much smaller than that. I believe that what you have written allows an owner/applicant to prove that at some time where it becomes germane. If that is not an accurate reading of what you proposed, then you should put these folks and myself on notice. And for my particular clients, I will develop the engineering data and bring it in. If I'm correct in my reading, these clients and anyone else can put it in when they make an application. I would point out two other things. There doesn't seem to be a time limit for these particular permits. As you heard, it takes a great deal of time to process all of the Health Department, the D.E.C. or whatever it may be. You can't put a short time period on these particular permits. It takes at least a year. It's possibly two years with rights to renew. Because if you do not, these people will simply try to get such permits, obtain it, and before they get through the Health Department, they'll expire and they'll be back before you. One last technical point and then one general point. The last technical point is that on the two sites I have a letter in which is the terraces location and the racquet club. You have, in the files of the Town of Riverhead, site specific determinations of the bluff line. Not aerial topography but determined by the Planning Board, by the Town Board and Conservation Advisory Council on the advice of engineers relative to two specific sites. I don't see the point in having a different line in a different place on those particular parcels. You should amend the map that you have to have the line run in the same place on those two simply because you've already

determined where the line goes on those two. And putting it some place else is, there's not much point to it. Lastly, in reading this thing over, I fail to see what we're doing. If I were addressing the Mayor of Westhampton Beach, if there were houses falling off the bluff on a regular basis, if the consequences of the bluff construction were such that sewage or other legitimate public (not private) interests were being effected, I could see why you write something like this. It is a balancing act that we all do. I did when I was up there and you're doing now. As between what legitimate public interest there is and what the rights of this gentleman who spoke from Austria and others have in using their particular property in a reasonable way. I just don't get it. I think you're legislating well beyond any recognizable public interest in what people do with their property. I don't see that there's any (public) identified public gain. If there's a public purpose, it's very well concealed in the draft legislation. Thank you."

Supervisor Janoski, "Is there anyone else present? George."

George Schmelzer, Calverton, "You call this coastal zone management? You should change the name and call it coastal zone mismanagement. It's more like it. You talk about a foot a year of erosion. Had that been the case since the last glacier, we'd be right in the Sound right now under water. On the Sound Shore or the bluffs or whatever you call it, there was a few scattered houses that have been there since beyond the turn of the century. Any where one of these houses are, has it created a ravine or a washout along the shore noticeably? Nothing has happened. Even if people were unconcerned about the angle and repose of any portion of their land, so to me this is all nonsense, bureaucratic nonsense that will get worse like this gentleman said before. He's been through it in Europe. Were heading the same way only a little slower. We're going to wake up some day and find out we'll have like a Soviet/America or Hitler/America. It's slowly becoming that way. And it seems like anybody in government, maybe they crave it. Is it some disease or political virus that effects our bureaucrats? Maybe the town should hire a medical research man to look into the heads of all our officials to see if they got some kind of virus in there that creates all this mess. That's about all I can say. I'd like to say more but I wouldn't dare say it right here. Thank you."

Supervisor Janoski, "Is there anyone else present wishing to address the Board? That being the case and without objection, I declare this hearing closed. I expect that there will be a mass exodus from this room, so I'm going to declare a ten minute recess at which time we'll come back at twenty after."

7:45 PUBLIC HEARING CLOSED AT 9:11

TOWN BOARD MEETING RECESSED AT 9:11

TOWN BOARD MEETING RECONVENED AT 9:28

Supervisor Janoski, "The record should reflect that it is 9:28. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, September 5, 1989 at 7:55 p.m. to hear all interested persons wishing to be heard re: Sewer District Extension for Bridgewater Estates.

(See Sewer District Minutes)

7:55 PUBLIC HEARING CLOSED AT 9:37

Supervisor Janoski, "Let us take up the resolutions. Is there any comment on anything we may be doing?"

Dotty Jermusyk, Calverton, "The receipt mailing that the town did concerning fire insurance has stirred up my community. They have asked me to inquire what the status of our water extension is. Last year we were told that they would be starting in the Spring. It is now Fall and nothing has been started. Construction is all around us but we seem to be being bypassed."

Supervisor Janoski, "Dotty, you and I sit here all day long together."

Dotty Jermusyk, "I got a lot of phone calls tonight before I came. Also, since we were pledged county funding, will this be in jeopardy if construction is started this year?"

Supervisor Janoski, "No."

Dotty Jermusyk, "Do you have any time frame at all for our extension?"

Supervisor Janoski, "I'm looking around for Gary to give us a status as to that particular extension. I really can't honestly answer it because I don't know. What we are out to bid on is the four extension in Wading River that we did get 345,000."

Dotty Jermusyk, "We got 400 for ours."

Supervisor Janoski, "It was something in that neighborhood."

Dotty Jermusyk, "So this 400 that we're getting from the county stands even construction isn't started for a couple of years?"

Supervisor Janoski, "It won't be a couple of years."

Dotty Jermusyk, "I hope not. Thank you."

Supervisor Janoski, "Betty."

Betty Brown, "I just wanted you to clarify something if you could. We had a public hearing a few moments ago on a sewer district extension for Bridgewater Estates and they have received their special permit for condominium use. On the agenda under changes of zone, Unfinished Business, Schneider and Cane are listed as this parcel for Office Service in Residential "C" to be changed to Business "B" on Route 58 and I was wondering why that was still listed here if they received so many approvals and are on to bringing sewer there?"

Supervisor Janoski, "I really couldn't answer that question. They are in the Office Service district as far as I know. They intend to put that parcel of property which is on Route 58 to an office use."

Betty Brown, "That wasn't what I was questioning. They have an office use there and a Residence "C" use. They want to change it to business "B". Is this Board entertaining that at any time?"

Supervisor Janoski, "What I'm telling you is the back part of their property is being used, they've gotten permits for the Residence "C" use. The front part of their property is Office Service and that is the intended use for the front part of their property. I wasn't even aware that this thing was still there."

Councilwoman Civiletti, "I think, if memory serves me, at some point I think Allen Smith filed this application while he and Pete Danowski filed several applications (as you may recall) to change parcels to Business "B" and they are still just there. They were never denied."

Irene J. Pendzick, "I'm the one that keeps the Unfinished Business. And what triggers me to take it off is a granting or denial of a permit and this application went to special permit. If I remember correctly, they were like dual applications like Denise said. So the special permit was granted and not the change of zone. That's still in limbo. I'll check it out tomorrow."

Supervisor Janoski, "Okay. Let's take up the resolutions."

#### RESOLUTIONS

Resolution #564 removed from the table, found on page 978 of the 1989 Resolution Book.

Resolutions #602-#628 found on pages 979-1036


#607 AUTHORIZES ASSIGNMENT OF LEASE RE: EAST CREEK MARINA

Councilman Boschetti, "Although originally voted against the original resolution, in retrospect I can support this and I vote yes."

Supervisor Janoski, "Without objection, this meeting is adjourned."

There being no further business on motion or vote, the meeting adjourned at 10:28 p.m.

IJP:nm

  
Irene J. Pendzick  
Town Clerk